IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23032 of 2004

Between:

B.N.Ramu S/o.B.V.Narasimha
R/o.1-10-119, Temple Alwal Malkajgiri Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The Assistant Commissioner Endowments Department
Ranga Reddy District at Yadagiri Bhavan Hyderabad
2 The Deputy Commissioner Endowments Department,

Boggulkunta, Hyderabad.
3 The Commissioner Endowments Department,

Boggulkunta, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction and more particularly one in the nature of writ of Mandamus to dispose of Petitioners representation dated 15.9.2004 by issuing Certified Copy of Registration from the Book of Endowment maintained under Section 38 of Repealed Act in 1966 and under Section 43 of Act 30 of 1987.

Counsel for the Petitioner: MR.KALYAN RAO JOSHI

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court at the stage of admission made the following ORDER:

Petitioner claims to have purchased some property from Sri Baba Balkishan Das through registered sale deeds, dated 18.12.2002. According to him, when he undertook development over the same, the self-styled committee of Sri Veera Hanuman Temple put a signboard on the land stating that it belongs to the temple. The petitioner filed O.S.No.1612 of 2003 in the Court of Principal Junior Civil Judge, East and North, R.R.District for the relief of perpetual injunction against the defendants therein. The Assistant Commissioner of Endowments, the first respondent herein, is one of the defendants in that suit.

The petitioner filed an application dated 15.09.2004 before the first respondent with a request to furnish the certified copies of entries recorded in the books of Endowments or Munthakab, as regards the temple, for the purpose of placing the same before the trial Court. The petitioner states that his request has not been acceded to by the first respondent and accordingly seeks a direction from this Court.

Heard learned counsel for the petitioner and learned Government Pleader for Endowments.

The petitioner had already filed O.S.No.1612 of 2003 before the Court referred

to above for the relief of perpetual injunction. The first respondent is impleaded as one of the defendants therein. Therefore, it is for the petitioner to establish his right over the property in question.

The application dated 15.09.2004 filed by the petitioner is so vague and incomplete, that it cannot be complied with at all. Neither the description of the property nor its extent is indicated. His prayer is to furnish the certified copy of the entries in the records of the Endowments in relation to the temple. Such a request cannot be acceded to and the petitioner does not have any right to insist on furnishing the same. At any rate, the first respondent is already a defendant in the suit and no defendant can be required to furnish any material to the plaintiff, adverse to his own interest. If the petitioner is so advised, he can take necessary steps under the relevant provisions of the Code of Civil Procedure.

Hence, the writ petition is dismissed. No order as to costs.

21.12.2004

ksld

To

1 The Assistant Commissioner Endowments Department
Ranga Reddy District at Yadagiri Bhavan Hyderabad
2 The Deputy Commissioner Endowments Department,

Boggulkunta, Hyderabad.
3 The Commissioner Endowments Department,

Boggulkunta, Hyderabad.

4 Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.